IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Miroslav Cina	Art Unit	: 2162
Serial No.	: 10/727,183	Examiner	: Cam Y. T. Truong
Filed	: December 3, 2003	Conf. No.	: 5201
Title	: DATABASE ACCESS WITH MULTILEVEL LOCK		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT DATED DECEMBER 14, 2006

Applicant respectfully traverses the requirement for restriction and provisionally elects claims 9-13 and 26-30 (Species II) for examination.

35 U.S.C. §121 reads, "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions." Thus, restriction is proper only if the inventions are "independent and distinct." M.P.E.P. section 802.01 "Meaning of 'Independent' and 'Distinct' " reads as follows:

> INDEPENDENT
> The term "independent" (i.e., unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. For example, a process and an apparatus incapable of being used in practicing the process are independent inventions.
>
> DISTINCT
> Two or more inventions are related if they are disclosed as connected in at least one of design (e.g., structure or method of manufacture), operation (e.g., function or method of use), or effect. … Related inventions are distinct if the inventions as claimed are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art).

The Examiner has made no showing whatsoever that the inventions are INDEPENDENT. The Examiner has not shown that the claims in each group "ARE PATENTABLE (novel and unobvious) OVER EACH OTHER." Should the requirement for restriction be made final, the

Examiner is respectfully requested to rule that the claims in each Species "ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

M.P.E.P. 803 provides, "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions. Manifestly, search and examination of all the claims can be made without serious burden. Prior art related to Species I to a method including a process repeatedly attempting to associate itself with a lower lock level must be searched in connection with examining the claims in Species II to a method including processes each repeatedly attempting to associate itself with a lower lock level.

Accordingly, it is respectfully requested that the requirement for restriction be withdrawn. If the requirement for restriction is repeated, the Examiner is respectfully requested to rule the claims in each Species are PATENTABLE (novel and unobvious) OVER EACH OTHER and explain why all the claims cannot be examined without serious burden.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 12, 2007

/Rex I. Huang/
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